

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

DEMETRICK PENNIE, et al.,

Plaintiffs,

v.

BARACK HUSSEIN OBAMA, et al

Defendants.

Civil Action No.: 3:16-cv-02010-L

**PLAINTIFFS' RESPONSE TO THE COURT'S ORDER OF DECEMBER 16, 2016 AND
MOTION FOR EXTENSION OF TIME TO SERVE REMAINING DEFENDANTS**

On December 12, 2016, this Court issued an Order (the "Order") which, in part, directed Plaintiffs to "effect service on Defendants Black Lives Matter, Johnetta Elzie, Nation of Islam, Opal Tometi, Patrisse Cullors, Alicia Garza, Hillary Clinton, and the New Black Panthers Party by by January 17, 2016, by 5:00 p.m., or show good cause in writing by January 17, 2016, by 5:00 p.m., for the failure or inability to effect service on these Defendants."

Attached hereto as **Exhibit A** are affidavits of service for Opal Tometi and Patrisse Cullors, as well as and affidavit of non-service for Johnette Elzie. Plaintiffs requested that Defendants Black Lives Matter, Nation of Islam, and New Black Panthers Party be served by their process server, Same Day Process Service, on October 25, 2015, and was told that Same Day Process Service would immediately begin to effect service, and thus believed in good faith that service would be timely effected and assumed that at this point, they had been served. Plaintiffs' counsel just learned today that the process servers did not begin to effect service. Counsel for Plaintiffs, therefore, immediately instructed Same Day Process Service to effect service on the remaining unserved Defendants. *See Exhibit B*, affidavit of Oliver Peer. Lastly,

Plaintiffs in good faith believed that Defendants Clinton and Garza were also out for service, but the process servers have not begun to effect service. Counsel for Plaintiffs has instructed Same Day Process Service to immediately effect service on these Defendants.

Plaintiffs respectfully request an additional thirty (30) days to effect service on the remaining unserved Defendants. As this matter is still in its beginning stages, with pending Motions to Dismiss, there will be no prejudice to Defendants.

Dated: January 17, 2017

Respectfully submitted,

/s/ Larry Klayman
Larry Klayman, Esq.
Freedom Watch, Inc.
2020 Pennsylvania Ave N.W. #345
Washington, D.C. 20006
Tel: (561) 558-5336
Email: leklayman@gmail.com

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(b), Plaintiff engaged in a conference with Defendants' counsel to determine whether Defendants opposed Plaintiff's Motion. Plaintiff sought consent via e-mail on January 17, 2017 and has not heard back from Defendants at the time of filing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically and served through the court's ECF system to all counsel of record or parties on January 17, 2017

/s/ Larry Klayman
Attorney

EXHIBIT A

AFFIDAVIT OF PROCESS SERVER

United States District Court for the Northern District of Texas

Larry Klayman, a Natural Person and Resident of
Florida, on behalf of himself and all U.S. police officer,
Jews, and Caucasians

Plaintiff(s).

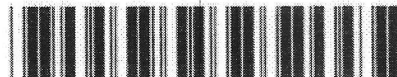
Attorney: Larry Klayman, Esq.

Klayman Law Firm
2020 Pennsylvania Avenue, N.W., #345
Washington DC 20006

VS.

Barack Hussein Obama, acting as President of the
United States of America, et al

Defendant(s).



284772

Case Number: 3:16-cv-02010-L

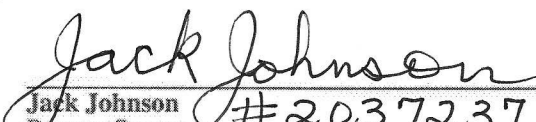
Legal documents received by Same Day Process Service, Inc. on 07/14/2016 at 1:50 PM to be served upon Opal Tometi, a Natural Person, and co-founder and leader of the Black Lives Matter movement and #blackLivesMatter network at 130 Fenimore St., Apt 4G, Brooklyn, NY 11225

I, Jack Johnson, swear and affirm that on July 18, 2016 at 9:10 PM, I did the following:

Personally Served Opal Tometi, a Natural Person, and co-founder and leader of the Black Lives Matter movement and #blackLivesMatter network the person listed as the intended recipient of the legal document with this Summons in a Civil Action; Complaint at 130 Fenimore St., Apt 4G, Brooklyn, NY 11225.

Supplemental Data Appropriate to this Service: Process server spoke with an unidentified female from behind the front door of the residence. The woman refused to open the door or identify herself. Server was instructed to leave the legal documents on the doormat. On July 20, 2016, a copy of the legal documents was forwarded - via the United States Postal Service - to the Respondent's attention at the address of service. This mailing was enclosed in a postpaid wrapper marked "Personal and Confidential."

I declare under penalty of perjury that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.


Jack Johnson
Process Server #2037237

Same Day Process Service, Inc.
1413 K St., NW, 7th Floor
Washington DC 20005

(202)-398-4200

Internal Job ID:204772



AFFIDAVIT OF PROCESS SERVER

United States District Court for the Northern District of Texas

Larry Klayman, a Natural Person and Resident of Florida, on behalf of himself and all U.S. police officer, Jews, and Caucasians

Plaintiff(s),

Attorney: Larry Klayman, Esq.

Klayman Law Firm
2020 Pennsylvania Avenue, N.W., #345
Washington DC 20006

VS.

Barack Hussein Obama, acting as President of the United States of America, et al

Defendant(s).



288467

Case Number: 3:16-cv-02010-L

Legal documents received by Same Day Process Service, Inc. on **10/25/2016 at 11:46 AM** to be served upon **Patrisse Cullors, a Natural Person, and co-founder and leader of the Black Lives Matter movement and #blackLivesMatter network 4828 3/4 St Elmo Dr. Los Angeles CA 90019**

I, John R. Shultz, swear and affirm that on November 10, 2016 at 9:05 AM, I did the following:

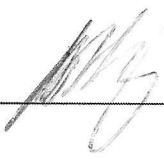
Substitute Served Patrisse Cullors, a Natural Person, and co-founder and leader of the Black Lives Matter movement and #blackLivesMatter network by leaving a conformed copy of this **Summons in a Civil Action; Complaint; Amended Complaint at 4828 3/4 St Elmo Dr. , Los Angeles, CA 90019**, the within named person's usual place of residence, to a person residing therein who is at least 18 years of age or older and who stated that he/she resides therein with the defendant to wit: **John Doe, as Co-Resident** and informing that person of the contents of the documents.

Description of Person Accepting Service:

Sex: Male Age: 30 Height: Over 6ft Weight: 161-200 lbs Skin Color: Black Hair Color: Black

Supplemental Data Appropriate to this Service: The party served refused to provide his name; stating that he did not wish to accept anything on behalf of the Defendant.

I declare under penalty of perjury that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.



John R. Shultz
Process Server

Same Day Process Service, Inc.
1413 K St., NW, 7th Floor
Washington DC 20005

(202)-398-4200

Internal Job ID:208467



AFFIDAVIT OF PROCESS SERVER

United States District Court for the Northern District of Texas

Larry Klayman, a Natural Person and Resident of Florida, on behalf of himself and all U.S. police officer, Jews, and Caucasians

Plaintiff(s).

Attorney: Larry Klayman, Esq.

Klayman Law Firm
2020 Pennsylvania Avenue, N.W., #345
Washington DC 20006

VS.



208511

Barack Hussein Obama, acting as President of the United States of America, et al

Defendant(s).

Case Number: 3:16-cv-02010-L

Legal documents received by Same Day Process Service, Inc. on **10/25/2016 at 8:58 PM** to be served upon **Johnetta Elzie at 2115 Barcelona Dr., Florissant, MO 63033**

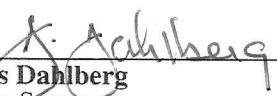
I, **Dennis Dahlberg**, swear and affirm that on **November 16, 2016 at 11:07 AM**, I did the following:

NON-SERVED: After careful inquiry and diligent attempts, I was unable to serve **Johnetta Elzie** the **Summons in a Civil Action; Complaint; Amended Complaint** for the reason that I failed to find the subject or information as to the location of the subjects' whereabouts.

Supplemental Data Appropriate to this Service:

Date/Time	Address	Remarks
11/16/2016-11:07 AM	2115 Barcelona Dr. Florissant, MO 63033	Process server spoke with the parents of Respondent Elzie. Both parties stated that the Defendant does not share the residence. Parties were unwilling to disclose any information regarding the whereabouts of their daughter. Server observed a vehicle in the driveway bearing Missouri license plates DM9 N8W. - Attempted by Dennis Dahlberg

I declare under penalty of perjury that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.


Dennis Dahlberg
Process Server

Same Day Process Service, Inc.
1413 K St., NW, 7th Floor
Washington DC 20005

(202)-398-4200

Internal Job ID:208511

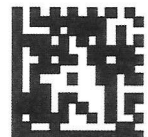


EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

DEMETRICK PENNIE, et al

Plaintiffs,

v.

BARACK HUSSEIN OBAMA, et al

Defendants.

Civil Action No.: 3:16-cv-02010-L

AFFIDAVIT OF OLIVER PEER

1. I, Oliver Peer, hereby declare under penalty of perjury that the following is true and correct and based on my personal knowledge and belief.

2. I am over the age of 18 and mentally and legally competent to make this affidavit, sworn under oath. I am not a party to this action.

3. I am employed by Freedom Watch, counsel for Plaintiffs, Larry Klayman, and I was tasked with coordinating service of the seventeen Defendants in this action with Same Day Process Service.

4. On October 25, 2016, I made a request, via email, to Same Day Process Service that Black Lives Matter, Johnetta Elzie, Nation of Islam, National Action Network, New Black Panthers Party, Malik Zulu Shabazz, and George Soros be served with the Amended Complaint.

5. After I made the request on October 25, 2016, it was my good-faith understanding and was led to believe that Same Day Process Service would begin to effect service on those Defendants. I thus believed in good faith that service would be timely effected and assumed that this had occurred.

6. On January 17, 2017, I called Same Day Process Service to confirm service of the remaining unserved Defendants. I was surprised to learn that that, based on the unanticipated “snafu” of Same Day Process Service, Black Lives Matter, Nation of Islam, and New Black Panthers Party were not on their service list.

7. After I was told this, I again instructed Same Day Process service to begin service on the remaining unserved Defendants, immediately.

I hereby swear under oath and penalty of perjury that the foregoing facts are true and correct to the best of my knowledge and belief.

Executed on January 17, 2017 at Beverly Hills, CA

/s/ Oliver Peer

Oliver Peer